

## REPORT

INFORMATION FROM  
FOREIGN DOCUMENTS OR RADIO BROADCASTS

CD NO.

DATE OF INFORMATION . 1950

DATE DIST. 4 Jul 1950

DATE DIST. 5 Jul 1950

NO. OF PAGES 6

SUPPLEMENT TO  
REPORT NO.

LANGUAGE Chinese

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DRAFT OF CHINA'S NATIONAL LABOR-UNION LAW

The Administration Council wishes all government agencies, especially those having to do with economic and industrial matters; all labor, industrial, and commercial organizations; and all interested individuals to study the draft and give the council the benefit of their suggestions before the end of May that the council may consider revisions where indicated.

The text of the draft is as follows:

## PREAMBLE

To establish clearly the legal standing and responsibilities of labor unions under the authority of a nation practicing the New Democracy, to enable the laboring class to organize themselves in a better way, and to develop the usefulness this class should have in the construction of a democracy this labor-union law is promulgated.

## SECTION I. GENERAL

Article 1

The labor union is a voluntary mass organization of the laboring class. All those within the borders of China, who in industry, government, or educational institutions depend entirely or principally upon income realized from the sale of their physical labor or mental acumen, and those laborers with no regular employer, are eligible to organize labor unions.

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Article 2

Labor-union organization principles. According to the provisions of the constitution adopted at the national conference of the All-China Federation of Labor (ACFL), unions shall be democratic organizations. Labor-union committees on all levels should be elected by a convention of union members or members' delegates. Union members have the right, within the provisions of their constitution, to recall or change any of their elected delegates or committee-men. Labor-union committees on all levels should report their activities to the whole body of members they represent or to their delegates' conference, also the pronouncements or directives of organizations on higher levels.

Article 3

In order that labor unions may follow the general mass organizational constitution and by-laws passed by the delegates' conference of the ACFL and various productive industry unions (including public workers' unions) and may have their independent unified organizational system, they shall regard the ACFL as their highest directing organization. All organized labor unions shall report to the ACFL or its local production industry union. After it has been investigated and approved, the new union shall apply to the local government authority for registration and recording.

Article 4

Organizations which have not been investigated and approved by the ACFL or its local representative and have not been registered with the local authorities may not, according to Article 3, be called unions or enjoy the rights and privileges conferred by this law.

## SECTION II. RIGHTS AND RESPONSIBILITIES OF UNIONS

Article 5

In nationally operated enterprises, in joint public and private enterprises, and in cooperatives, labor unions have the right to represent all workers, to take part in production control and to make collective-bargaining contracts with management.

Article 6

In private enterprises, labor unions have the right to represent all workers in negotiations and discussions with employers, to take part in labor capital consultative conferences and to make collective-bargaining contracts with employers.

Article 7

Labor unions have the right to protect the mass of workers and to see to it that management and employers carry out government regulations setting up standards for laborers' protection insurance, wage payments, factory sanitation, technical security, and other similar matters, and that they carry out their responsibilities in providing facilities for the improvement of the physical and cultural living standards of the workers.

Article 8

In government enterprises, joint government and private enterprises, and cooperative enterprises, labor unions on all levels have the right to request the management of an enterprise on the same level to report on the business to the union committee members' meeting or delegates' conference; also, they have the right to represent the whole group of laborers in the control or management conferences.

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Article 9

In protection of the interests of the labor class, in accordance with its constitution and voted measures, the union shall carry on the following activities:

- a. Educate and organize the mass of workers and carry out the policies of the People's government in accordance with its laws to strengthen the political leadership of the labor class.
- b. Educate and organize workers in establishing a new attitude for labor, in observing labor discipline, in organizing competitive production and other production movements, and in completing production quotas.
- c. In government industries, joint public and private industries, co-operative enterprises, government offices, and schools, the union shall protect public property, oppose speculation and waste, and wage war on saboteurs.
- d. In private industry the union shall promote policies that are mutually beneficial to labor and capital and shall oppose unlawful and antiproduative conduct.

Article 10

Authorities on all levels shall set aside buildings and equipment needed for the use of the ACFL, industrial labor unions, and local unions to be used as offices, conference halls and clubs, and make available to the union officials all the postal, telgraphic, telephonic, railroad, highway, and boat privileges afforded government officials on the same level.

Article 11

If an administrator or employer desires to transfer or discharge a duly elected member of a labor union, he shall first secure the agreement of the committee and the authorization of the next higher committee before proceeding to the action.

Article 12

Labor-union committeemen or their delegates, especially those carrying written credentials, may inspect the workshops and dormitories of industries, government agencies and schools, except in cases especially exempted.

## SECTION III. BASIC UNION ORGANIZATION

Article 13

Any factory, mine, bank, store, farm, official, or school production or administrative unit whose workers number 25 or more may organize basic labor-union committees (such as factory committees, mine affairs committees, government office committees, etc.). Those with less than 25 personnel may organize basic labor-union cells and elect cell leaders which shall have the same prerogatives as labor-union committees. The method of organizing basic labor-union committees shall be established by the ACFL or the National Committee of the industrial labor unions.

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Article 14

No other organization whatsoever, except those basic labor-union committees or cells organized according to the provisions of Articles 3 and 13 of this law and approved by an industrial or local union, shall enjoy the prerogatives of such basic committees or cells in any factory, mine, bank, store, farm, official production unit, school production unit, or administrative unit.

Article 15

The number of basic labor-union committeemen who shall be free from production responsibilities to devote their full time to union work shall be determined by the number of workers employed in the factory, mine, bank, store, farm, official production unit, school production unit, or administrative unit. The table for determining the number is as follows:

<u>No of Employees</u>	<u>No of Committee Members</u>
200-500	1
501-1,000	2
1,001-1,500	3
1,501-2,500	4
2,501-4,000	5

One additional committee member without production responsibilities shall be added for each 2,000 additional employees above 4,000. If nonproduction committee members are needed in any plant with less than 200 employees, they shall be authorized by the committee on the next higher level.

Article 16

When the basic labor-union committees have been elected, the list of names shall be submitted to the administration or employer. The administration or employer shall then provide for the release of the necessary number of nonproduction members from responsibility, according to the suggestions of the committee.

Article 17

The stipend of the nonproduction committee members shall be paid by the union at a rate not less than what they were paid when engaged in production. They are also entitled to continue to receive insurance and welfare benefits provided for all employees by the administration or employer. When their term of office has expired, the administration or employer shall reinstate them in their old job or give them another job with remuneration equivalent to that which they originally had.

Article 18

The administration or employer in any factory, mine, bank, store, farm, official production unit, school production unit, or administrative unit shall not interfere with the activities of the labor-union basic committees or hinder them in calling meetings of all union members or delegates' conferences. However, the meetings shall be called outside of working hours.

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In case it is necessary to call a meeting during working hours, due to special circumstances, the consent of the administration or employer must be obtained. When production members of basic committees need to use working time to carry out their committee activities, the union shall notify the administration or employer. Such a committee member may not use more than two working days in any month for such committee activities. Within these limits, he will be paid as usual by the administration or employer.

#### Article 19

Meetings held at the direction of government agencies above the hsien and municipality level, or of labor-union committees above the rank of provincial or municipal committees, for the election of delegates to people's delegates conferences or people's delegates conventions, or in the latter case, of delegates to labor-union conventions, may if necessary be held during working hours. Labor delegates from private industries to the above-named types of meetings, or other similar meetings, shall have their stipend for the time of attendance at such meeting paid by the organization calling the meeting.

#### Article 20

Any factory, mine, bank, store, farm, official production unit, school production unit, or administrative unit employing more than 100 persons shall provide the necessary office space, equipment and utilities (such as water, electricity and furniture) for the use of the basic labor-union committees, and provide or temporarily loan space for meetings of all union members and delegates' conferences.

In establishments employing less than 100 persons, where it is impossible to provide the above-mentioned space, the union organization may place a union-office desk in any public room and carry on its work and hold its meetings therein.

#### Article 21

Whenever any factory, mine, bank, store, farm, official production unit, school production unit or administrative unit desires to employ personnel, the administration or employer shall notify the basic union committees. If the committee finds in the projected employment program any violation of the laws of the people's government or of the collective bargaining contract, it may register opposition within 3 days. If the administration or employer disagrees with the committee in the matter, the prescribed conciliation procedures shall be applied to effect a settlement.

#### Article 22

When any factory, mine, bank, store, farm, official production unit, school production unit, or administrative unit desires to discharge workers, it shall notify the basic union committee, listing the personnel involved and the reasons for the action, 10 days in advance. If the committee finds in the projected action any violation of the law of the People's government or of the collective-bargaining contract, it may register its opposition within 7 days. If the administration or employer does not agree with the committee and a dispute arises, the prescribed procedure for settling the dispute shall be applied.

The provisions of this and the preceding article are not applicable to official government personnel.

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SECTION IV. LABOR-UNION EXPENSES

Article 23

Labor unions shall, in accord with the principle of independence, set up their own budget, audit, treasury, investigations, etc.

Article 24

The sources of union finances are:

- a. Union members' dues, computed on the basis of the constitution of the ACFL.
- b. Two percent of the payroll of laborers of the factory, mine, bank, store, farm, official production unit, school production unit, or administrative unit, including wages paid in kind and cash and boarding expenses. This provision does not apply to those who are trustees for a private enterprise. This fund shall be paid to the basic union committee each month as union expense funds. Three-fourths of the 2 percent shall be used for the cultural and educational phases of the union movement.
- c. Receipts from cultural and athletic activities of the union.
- d. Grants from the government on the various levels.

Article 25

Labor-union committees on all levels shall follow the methods laid down by the ACFL for the use of their funds.

SECTION V. SUPPLEMENTARY REGULATIONS

Article 26

This law was passed by the Administration Council of the Central People's government and presented to the Central People's Government Council for approval and promulgation. Revisions shall be made in the same manner.

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